

Message Text

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FM AMEMBASSY COPENHAGEN
TO SECSTATE WASHDC 6460

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EO 11652: N/A
TAGS: EINV OECD, DA
SUBJ: REVIEW OF SUBMISSIONS IN EXCEPTIONS TO NATIONAL TREATMENT

REF: STATE A-1295

1. EMBASSY INVESTIGATION REVEALED ONLY A COUPLE OF AREAS
WHERE EXCEPTIONS TO NATIONAL TREATMENT NOT MENTIONED IN
IME 77/18 WERE APPLIED. THE AREAS WERE AS FOLLOWS:

A. DANISH FISHERIES: THE DANISH FISHERIES ACT CONTAINS
THE PROVISION THAT FISHERIES IN DANISH TERRITORY MAY BE
UNDERTAKEN ONLY BY (1) DANISH CITIZENS, (2) SHIPPING
COMPANIES OF WHICH AT LEAST TWO THIRDS ARE OWNED BY
DANISH CITIZENS, (3) CORPORATIONS (A/S) OR OTHER LIMITED
COMPANIES IN WHICH AT LEAST TWO THIRDS OF THE BOARD OF
DIRECTORS HAVE DANISH CITIZENSHIP AND ARE RESIDING IN
DENMARK, (4) OTHER COMPANIES IN WHICH AT LEAST TWO
THIRDS OF THE PARTNERS HAVE DANISH CITIZENSHIP AND ARE
RESIDING IN DENMARK, OR (5) INDIVIDUALS WHO HAVE BEEN
RESIDING IN DENMARK IN THE LAST TWO YEARS AND ARE
STILL RESIDING IN DENMARK.

B. ACQUISITION OF REAL ESTATE IN DENMARK.
THE LAW PROVIDES FOR AT LEAST FIVE YEARS OF RESI-
DENCE IN DENMARK TO ACQUIRE REAL ESTATE. EC
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CITIZENS AND/OR EC COMPANIES ARE EXEMPT FROM THIS
RULE PROVIDED THAT THE ACQUISITION RELATES TO
FULL-YEAR HOUSING OR BUSINESS ESTATE ONLY AND PRO-
VIDED THAT (1) THE EC CITIZENS ARE WAGE EARNERS IN
DENMARK AND (2) THE EC CITIZENS AND/OR COMPANIES HAVE
ESTABLISHED OR PLAN TO ESTABLISH A BUSINESS IN DEN-
MARK. OTHER FOREIGNERS, RESIDING IN DENMARK FOR

LESS THAN FIVE YEARS, MUST OBTAIN A PERMIT FROM THE MINISTER OF JUSTICE TO ACQUIRE REAL ESTATE. THIS PERMIT WILL NORMALLY BE GRANTED IF THE ACQUISITION IS IN CONNECTION WITH THE ESTABLISHMENT OF A BUSINESS IN DENMARK (HOUSING/BUSINESS OR PLANT INVESTMENT) OR IF THE INDIVIDUAL HAS A SPECIAL RELATION TO DENMARK.

2. PAPER IME 77/18, TABLE 7, BY SECTORS, DOES NOT MENTION DENMARK AT ALL. EMBASSY SUGGESTS THAT DENMARK BE ADDED TO PROVISION 1, WHICH REFERS TO NATIONALITY OF DIRECTORS, INASMUCH AS THE DANISH COMPANIES ACT PROVIDES THAT AT LEAST HALF OF THE MEMBERS OF THE BOARD OF DIRECTORS MUST BE DANISH RESIDENTS OR EC CITIZENS AND THAT GENERAL MANAGERS MUST BE DANISH RESIDENTS

OR EC CITIZENS, UNLESS OTHERWISE PERMITTED BY THE MINISTER OF COMMERCE.
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